

REMARKS

The Applicant respectfully requests entry of the above amendment and reconsideration in view of the above amendment and the following remarks.

Regarding the rejections of the claims, applicant respectfully traverses the assertions in the previous office action.

In response to the rejection of claims 6-8 under 35 U.S.C. §112, 2nd ¶, claim 7 has been amended. Please note that "the generating means" in claims 6 and 7 refer to the "means for generating" in claim 5. Those skilled in the art will understand that "generating means" refers to "means for generating".

In response to the rejection of claims 9-10 under 35 U.S.C. §101, for allegedly being directed to non-statutory subject matter, claims 9 has been amended to make it clear that the bitpatterns in combination in this claim are a data structure that causes a processor to manipulate data in a specific way and not just unrelated information.

In response to the rejection of claims 9 and 16 under 35 U.S.C. §102(b) for being described in U.S. patent 5,434,917 to Naccache, the citation does not describe all the elements of the rejected claims.

More specifically, the citation does not suggest "recorded information encoded with a watermark representing a second bitpattern having a predefined relationship with the first bitpattern" as in claim 9. The information recorded in Naccache is not encoded with a watermark. Claim 16 is dependent on claim 9 and is allowable for the same reasons.

In addition, with respect to claim 16, the citation does not suggest "the second bit pattern identifies the encoder means" as in claim 16. The second bitpattern in Naccache depends on the first bitpattern and identifies the card user, but does not identify the machine that records the information on the medium.

In the invention the encoding means that encodes the user information is identified so that piracy is discouraged.

In response to the rejection of claims 1-5, 6-8, 11-15 and 17-19 under 35 U.S.C. §103(a), for allegedly being unpatentable over U.S. patent 5,434,917 to Naccache in view of U.S. patent 5,678,863 to Knight, the differences between the claims and the combination of citations are such that the subject matter as a whole would not have been obvious at the time the invention was made, to those of ordinary skill in the art.

More specifically with regard to claim 1, the combination of the citations does not suggest "means for writing the watermarked user information on the information carrier" as in claim 1. The signature s in Naccache is not used as a watermark to encode user information. The combination of citations does not suggest using the signature s in Naccache as a watermark. Claims 2-4 and 14 and 18-19 are dependent on claim 1 and are thus allowable for the same reasons.

In addition with regard to claims 4 and 14, there is no suggestion in the combination of citations that "the second bitpattern identifies the encoder means". In the invention adding the identification of the encoder means allows the encoder means to be identified so that piracy is discouraged.

Also, with regard to claim 18, there is no suggestion in the combination that the "medium mark is pressed in the record carrier during manufacture" as in claim 18. The medium mark in Naccache is formed by adding ferrite particles to the material from which the medium is made, and in Knight the method by which the watermark is incorporated in the paper or polymer region is not described.

With regard to claim 5, the combination of the citations does not suggest "encoder means for embedding a watermark representing the second bitpattern in user information to be recorded" as in claim 5. In Naccache the second bit pattern is simply recorded on the media. Claims 6-8 and 15 are dependent on claim 5 and are thus allowable for the same reasons.

In addition, with regard to claim 7, the combination of citations does not suggest a "prepressed mark" as in claim 7. In Naccache the media marks are formed in a different way and Knight does not discuss how the watermarks are formed in the paper.

Also, with regard to claim 15, the combination of claims does not suggest "the first bit pattern indicates a copy protection status of the record carrier" as in claim 15. Also, the combination of claims does not suggest "the second bit pattern identifies the recording means" as in claim 15. Also, the combination of claims does not suggest "the recorder further comprises marking means for writing the medium mark on the information carrier" as in claim 15.

With regard to claim 11, the combination of citations does not suggest "means for detecting a second bitpattern represented by a watermark in the reproduced user information" as in claim 11. In Naccache, user information is not encoded with a watermark representing the second bit pattern, rather the second bit pattern is simply written onto the medium. Claims 12-13 and 17 are dependent on claim 11 and are thus allowable for the same reasons.

In addition, with respect to claim 17, there is no suggestion in the combination of citations that "the second bitpattern identifies the encoder means" as in claim 17. In the invention, adding the identification of the encoder means allows the encoder means to be identified so that piracy is discouraged.

In response to the rejection of claim 10 under 35 U.S.C. §103(a), for allegedly being unpatentable over U.S. patent 5,434,917 to Naccache, the differences between the claims and the citation are such that the subject matter as a whole would not have been obvious at the time the invention was made, to those of ordinary skill in the art.

More specifically with regard to claim 10, the citation does not suggest that "the first bit pattern includes a first part identifying the source of the media" as in claim 10. Also with regard to claim 10, the citation does not suggest that "the first

bit pattern includes ... a second part identifying the recorded information" as in claim 10.

Regarding the statement by the examiner that "including source and identification data within the building blocks of a digital signature is old and well known" only applies to the source of the information and identification of the encoder or provider of the information not to the source of the media as is claimed in claim 10 and not to the identification of the information as claimed in claim 10. If the examiner believes that it is well known to include the source of media in a signature, then the applicant disagrees and the examiner should provide a citation indicating that it is well known in the art. If the examiner believes that it is well known to include the identification of the recorded information in a signature, then the applicant disagrees and the examiner should provide a citation indicating that it is well known in the art.

The claims are definite and distinguished from the citations and Applicant respectfully requests the allowance of all claims.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) including fees for any required extension of time, to Account No. 14-1270.

Respectfully submitted,

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Marked up claims indicating changes

7. (thrice amended) The recorder of claim 6 5, in which the generating means generate the first bitpattern by combining a first part represented by a prepressed mark on a recordable information carrier and a second part generated from the seed.

9. (thrice amended) An information carrier comprising:
a medium mark representing a first bitpattern; and
recorded information ~~including~~ encoded with a watermark representing a second bitpattern having a predefined relationship to the first bitpattern whereby the relationship between the second bitpattern and the first bitpattern can be verified in a computer process.

15. (thrice amended) The recorder of claim 5, in which:
the recorder further comprises means for reading the first bit pattern from ~~a~~ the record carrier; a
the first bit pattern ~~indicating~~ indicates a copy protection status of the record carrier;
the relationship includes a cryptographic function;
the relationship includes a one-way function;
the second bitpattern identifies the encoder means;
the recorder further comprises marking means for writing the medium mark on the information carrier;
the generator means generate the first bitpattern from a seed according to ~~a~~ a further predefined relationship; and
the generator means are arranged for generating the first bitpattern by combining a first part represented by a prepressed mark on a recordable information carrier and a second part generated from ~~the~~ a seed.